



23 AUG 2006

24498  
THOMSON LICENSING INC.  
Patent Operations  
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Princeton, NJ 08543-5312

In re Application of :  
HÜTTER, Ingo :  
U.S. Application No.: 10/542,585 :  
PCT No.: PCT/EP03/14931 :  
Int. Filing Date: 29 December 2003 :  
Priority Date: 23 January 2003 :  
Attorney's Docket No.: PD030010 :  
For: UPDATING PARAMETERS IN A :  
BRIDGED MULTISTANDARD HOME :  
NETWORK :

**DECISION**

This is a decision on the renewed request to add an inventor in the above-captioned application filed 08 May 2006 which is treated under 37 CFR 1.497(d).

**BACKGROUND**

On 30 March 2006, a decision dismissing applicants' petition under 37 CFR 1.497(d) was mailed. Applicants were given two months to respond.

On 08 May 2006, applicants filed the renewed petition.

**DISCUSSION**

As previously indicated, 37 CFR 1.497(d) applies when the inventorship in a national stage application filed under 35 U.S.C. 371 differs from that set forth in the international application (see 37 CFR 1.48(f)(1)). 37 CFR 1.497(d) states, in part:

(d) If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, or a change to the inventive entity has been effected under PCT Rule 92 *bis* subsequent to the execution of any declaration which was filed under PCT Rule 4.17(iv), the oath or declaration must be accompanied by:

- (1) A statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without

deceptive intention on his or her part;

(2) The processing fee set forth in § 1.17(i); and

(3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Applicants failed to complete items (1) and (3) of 37 CFR 1.497(d) in the initial petition filed 05 January 2006.

In the renewed petition, applicants submitted a statement from Michael Weber who declares that the error in inventorship in the international application occurred without deceptive intention on his part. Item (1) of 37 CFR 1.497(d) is now complete.

Regarding item (3), applicants submitted a copy of an assignment to Thomson Licensing signed by both inventors. Applicants assert in the petition that the copy of the assignment is "proof of written consent of the assignees." This is not sufficient. The assignee must provide actual written consent of the addition of the inventor, Michael Weber. Moreover, the person granting the consent for the assignee must have the authority to sign for the organization. See MPEP § 324.

Therefore, all the requirements of 37 CFR 1.497(d) are not complete.

### **CONCLUSION**

For the reason discussed above, applicants' request under 37 CFR 1.497(d) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

  
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